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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,597	01/20/2000	Evgeniy M. Getsin	IACTP017	6029

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EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,597

Applicant(s)

GETSIN ET AL.

Examiner

William L. Bashore

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: RCE/amendment filed 1/25/2005, to the original application filed 1/20/2000. IDS filed 9/26/2001 (as paper 7), also IDS filed 3/15/2004, 4/5/2004, 4/12/2004, and 4/14/2004.
2. Claims 1-18 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts.
3. Claims 1-18 pending. Claims 1, 7, 13 are independent.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/25/2005 has been entered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (hereinafter Roberts), U.S. Patent No. 6,161,132 issued December 2000.

In regard to independent claim 1, Roberts teaches synchronization of entertainment media to musical CD recordings within client devices in a network chat room environment, utilizing plug-ins (Roberts column 2 lines 19-26, column 6 lines 61-67, column 7 lines 10-24; compare with claim 1 *“A method for identifying playback devices of a plurality of client apparatuses which are networked to simultaneously playback an event, comprising the steps of:”*

Roberts teaches a chat server requesting a user insert a CD into his/her player, resulting in communication of the CD's unique identifier to said server, ultimately resulting in the opening of a chat room for eventual CD synchronization of other client devices (Roberts column 7 lines 15-37 to column 8 lines 14; compare with claim 1 *“receiving requests prior to a start time from each of the client apparatuses to simultaneously playback the event”*).

Roberts teaches a command plug-in for aiding in the playing of a musical recording, said plug-in gathers information regarding the capabilities of the client's CD drive, therefore determining the type of drive (i.e. 2x, 4x, etc.) (Roberts column 4 lines 1-16). Roberts also teaches said embodiment controlling devices other than audio CDs (i.e. DVD, etc.) (Roberts Abstract, column 2 lines 5-10) (compare with claim 1 *“identifying a type of the playback device of each of the client apparatuses”*).

Roberts teaches a remote host initiating actions on a client device, as well as said host becoming aware of user initiated actions on said device (i.e. CD player buttons, etc. (Roberts column 2 lines 5-26). In order for said host (i.e. server or chat server) to become aware of the client device controls, the command data regarding said controls must be made available to the host (compare with claim 1 *“looking up a command associated with the identified type of the playback device”*).

Roberts teaches synchronization of CD playback associated with a chat room (Roberts column 7 lines 15-37 to column 8 lines 14). If a chat room exists and is open with another client, the server will allow joining and synchronizing of a user's CD with the other client, therefore the predefined threshold period of acquisition is the time during the active participation of said chat room (the time duration of the chat room) (compare with claim 1 *“determining whether each... playback of the event”*).

Roberts teaches a chat host using the commands of a client device for synchronizing the display of content using a unique identifier (of the CD), as well as synchronization of participating client CDs by comparing and synchronizing information (i.e. start times, audio volumes, etc.) between devices during a chat room session using plug-ins (Roberts column 6 lines 60-67, column 7 lines 10-37 to column 8 lines 1-2). Roberts does not specifically teach said synchronization of client devices based upon analyzing device type capabilities, as claimed. However, Roberts teaches a plug-in which collects capabilities about a CD drive (Roberts column 2 lines 1-18, column 4 lines 1-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the plug-in analyzing CD capabilities and controls, to Robert's chat room embodiment, to provide the claimed equivalent of analyzing device type commands for chat room CD device synchronization, providing Robert's the benefit of synchronization of audio CD devices with a wide array of different characteristics (i.e. speed 1x, 2x, 4x, 8x, etc.) (compare with claim 1 "*sending the command to the corresponding client apparatus for beginning the playback of the event simultaneously with the playback of the event on each of the remaining client apparatuses....*").

Roberts teaches synchronization of CD playback associated with a chat room (Roberts column 7 lines 15-37 to column 8 lines 14). As explained above, if a chat room exists and is open with another client, the server will allow joining and synchronizing of a user's CD with the other client, therefore the predefined threshold period of acquisition is the time during the active participation of said chat room (the time duration of the chat room). During the chat session, a client may indicate a change (a predetermined point) in the position of the CD, therefore propagating said change to all other clients accordingly, at a time during the playback of the event (compare with claim 1 "*for those requests received during the....not received during the threshold period.*").

In regard to dependent claim 2, Roberts teaches both visual and audio presentations (Roberts column 4 lines 58-67 to column 5 lines 1-27).

In regard to dependent claim 3, claim 3 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Roberts teaches a chat room network for identifying and synchronizing devices as explained in the rejection of claim 1 above (see also Roberts Abstract, column 6 line 61, to column 7 lines 30).

In regard to dependent claim 4, Roberts teaches the Internet (a wide area network) (Roberts column 1 lines 57-61).

In regard to dependent claim 5, Roberts teaches generation of a unique identifier associated with musical recordings on a CD, as well as a CD key for entering special Web areas (Roberts column 6 lines 49-60). Roberts does not specifically teach a client apparatus storing an identifier for identifying a host (i.e. Roberts's chat room host embodiment does not store host identification in the client device), as claimed. However, since it is known that chat session synchronization between a chat server and clients involve communication between said server and all participating clients, Roberts's teaching of said chat room embodiment provides the claimed equivalent of a host identifier so that two way communication can commence. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Roberts in this fashion, providing a client device of Roberts a key piece of essential information so that the client device knows the identification of the chat server.

In regard to dependent claim 6, Roberts teaches an embodiment utilizing a DVD device (Roberts column 2 lines 5-10).

In regard to independent claim 7, claim 7 reflects the computer program product comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 8-12, claims 8-12 reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in claims 2-6, respectively, and are rejected along the same rationale.

In regard to independent claim 13, claim 13 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 14-18, claims 14-18 reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in claims 2-6, respectively, and are rejected along the same rationale.

Response to Arguments

7. Applicant's arguments filed 1/25/2005 have been fully and carefully considered but they are currently moot in view of the new ground(s) of rejection.

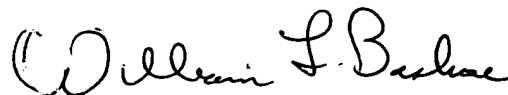
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WILLIAM L. BASHORE
PATENT EXAMINER
TECH CENTER 2100

April 3, 2005